IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 26TH JULY 2007 / 4TH SRAVANA 1929

WP(C).No. 20380 of 2007(A)

PETITIONER:

GOWRY AMMA, D/O.KALYANI AMMA,
KOCHUPUTHAN PARAMBIL, KURUPPAMKULANGARA PO,
CHERTHALA.

BY ADV. SRI.J.OM PRAKASH

RESPONDENTS:
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1. THE ADDITIONAL DISTRICT MAGISTRATE,
ALAPPUZHA.

2. THE TAHSILDAR, CHERTHALA.

3. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, PATTANAKKAD PO,
CHERTHALA.

4. BINDUMOL,
KOCHUPARAMPU NIKARTHIL, KURUPPANMKULANGARA P.O.,
CHERTHALA.

5. RAVEENDRAN, S/O.APPUMOOPPAN,
BALAGURACHIRAYIL,
DO. DO.

6. VASUDEVAKARTHA,
AMBADY, KADAKKARAPPALLY P.O.,
CHERTHALA.

7. ANIYAN KARTHA,
DO. DO.

R1 AND R2 BY G.P. SRI. C.K. GOVINDAN
R4 BY ADV. SRI.B.PRAMOD &
SRI.GEORGE MATHEWS
R3 BY SC. SRI.P.P.THAJUDEEN, SC, K.S.E.B

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 26/07/2007, ALONG WITH WPC NO. 20974 OF 2007 WPC NO. 22306 OF 2007 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 20380, 20974 &
22306 OF 2007

Dated this the 26th day of July, 2007

JUDGMENT

Heard counsel for the petitioners in the connected cases, standing counsel appearing for the K.S.E.B. and counsel appearing for the fourth respondent, who is one of the beneficiaries of the proposed electric line. Petitioners as well as beneficiaries are closely related persons. On going through the sketch produced by Ele. Board it is obvious that houses of one Bindu Mol, Ananthavally Amma and Sasidharan are located in such a way that without the line passing over the petitioners' property domestic electric connection cannot be given to those persons. The line as shown in the sketch produced by Ele. Board passing over the property of the common petitioner in WPC 20380 of 2007 and 22306 of 2007 is only 13.5 metres overhead line and nine metres of weather proof line. The line is passing through the extreme end of the property of the said petitioner who is stsated to be 85 years old and is issueless. It is strange that at this age she objects to the giving of electric connection to close relatives through the boundary of her

property. So far as petitioners in WPC 20974 of 2007 is concerned, only a small portion of the line is passing through the courner boundary of the said petitioners, that is from point A to I, as shown in the sketch. On the face of it I do not think without this minimum inconvenience line can be drawn as it is to begin from post A. Since somebody has to make sacrifice for giving connection to the beneficiaries, the question is who should be made to suffer. The case of both the petitioners is that line should be drawn through the property three other persons, namely, one Raveendran, Vasudeva Kartha and Aniyan Kartha. Counsel for the KSEB as well as counsel for the fourth respondent submitted that alternate route suggested by the petitioners is of the length of 99 metres which is more than double the length of proposed line. This is controverted by counsel for the petitioners and he has even offered to take advocate commission to get measurement done. I feel the grievance of the petitioners can be redressed with half the cost of engaging commission by providing weather proof cable of a very limited length and pipes, which if furnished by the petitioner will be used by the Ele. Board for drawing line underground instead of live overhead line. I do not find any justification for the petitioners to suggest that strangers should make sacrifice for giving connection to

the beneficiaries in preference to the petitioners who are close relatives of the beneficiaries. Since the alternate route is longer and passes over three strangers, the alternate route suggested by the petitioners is rejected and the proposal of Addl. District Magistrate is upheld. However, I find the post at K proposed by the Ele. Board could be shifted to the common boundary of the property of Gowri Amma and Ananthavally Amm and since Ananthavally is one of the beneficiaries, the post even can be erected in her property and she is said to have given consent for drawing line over her property. In the circumstances, Ele. Board is directed to instal the post from position K to the boundary of Ananthavally Amma's property and to give connection to all the beneficiaries at the earliest. As observed earlier, petitioners can deposit cost for laying underground cable or furnish quality insulated cable and pipes for the Ele. Board to draw underground cable. Connection will be given to the beneficiaries within two weeks from the date of production of a copy of this judgment.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR)
Judge